

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION

STEVEN BROWN, et al.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:22-cv-00080
)	
THE BUREAU OF ALCOHOL, TOBACCO,)	
FIREARMS, AND EXPLOSIVES, et al.,)	
)	
Defendants.)	
)	

**DEFENDANTS’ UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE
REPLY TO PLAINTIFFS’ RESPONSE TO DEFENDANTS’ MOTION TO DISMISS**

Defendants the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); Steven Dettelbach, in his official capacity as the Director of ATF; and Merrick Garland, in his official capacity as Attorney General of the United States, respectfully move this Court for a two-week extension of time to file a reply to Plaintiffs’ response to Defendants’ Motion to Dismiss (ECF No. 29). Defendants filed their motion to dismiss on December 12, 2022 (ECF No. 22). Plaintiffs moved for and were granted an extension of time to respond (ECF Nos. 25, 27). On January 3, 2023, Plaintiffs filed a motion for summary judgment and a combined memorandum in support of their motion for summary judgment and opposition to Defendants’ motion to dismiss (ECF Nos. 28, 29). Under the local rules, Defendants’ reply in support of the motion to dismiss would be due January 10, 2023, and their opposition to Plaintiffs’ motion for summary judgment would be due January 24, 2023. Defendants request that the deadline for their reply brief be extended by fourteen days so that they may file a combined reply in support of the motion to dismiss and opposition to Plaintiffs’ motion for summary judgment on January 24, 2023. Plaintiffs do not oppose the relief requested in this motion.

Dated: January 4, 2022

Respectfully submitted,

WILLIAM IHLENFELD
UNITED STATES ATTORNEY

By: /s/ Maximillian F. Nogay
Maximillian F. Nogay
W. Va. Bar # 13445
United States Attorney's Office
P.O. Box. 591
1125 Chapline Street, Suite 3000
Wheeling, WV 26003
(304) 234-0100 (office)
(304) 234-0110 (facsimile)
Max.Nogay@usdoj.gov

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY FARBY
Assistant Branch Director

MICHAEL P. CLENDENEN
(D.C. Bar No. 1660091)
Trial Attorney
DANIEL RIESS
Senior Counsel
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, D.C. 20005
Tel: (202) 305-0693
Fax: (202) 616-8460
michael.p.cledenenen@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 4th day of January, 2023, a true and accurate copy of the foregoing DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE REPLY TO PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS was filed with the CM/ECF system which will send a copy to all counsel of record.

By: /s/ Maximillian F. Nogay